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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,985	11/30/1998	MICHELLE Y. KIM	YO9-98-446	1001

7590 10/27/2003  
MCGUIREWOODS, LLP.  
1750 TYSONS BLVD.  
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MCLEAN, VA 22102-4215

EXAMINER
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NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/27/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/200,985

Applicant(s)

KIM ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. The action is responsive to communications: Request Continuation for Examination filed 08/21/2003 to the application filed on 11/30/1998.
2. Claims 1-7 are currently pending in this application. Claims 3-4 are allowed. Claim 1 is independent claim.

***Request Continuation for Examination***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/21/2003 has been entered.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al.** (U.S. 5,659,790) in view of **Graf** (U.S. 6,397,251) and further in view of **Zarros** (U.S. 5,682,384 – filed 10/1995).

**As to independent claim 1**, Kim teaches a method of progressive time stamp (ranges of time intervals; col.2, lines 1-25) resolution in a multimedia presentation (multimedia presentation; col.2, lines 1-25) comprising the steps of:

- supplying a player (user interactive screen; col. 5, lines 41-67) of a multimedia presentation (multimedia presentation; col.2, lines 1-25) with information comprising two labels, one for a multimedia object's (multimedia objects; col.4, lines 48-64) start time (the process starts; col.6, lines 3-12) and one for the multimedia object's (multimedia objects; col.4, lines 48-64) end time (process ends; col.6, lines 54-63) relative to other multimedia object start and stop times (temporal relations; col.5, lines 1-67), and three durations (time durations; col.5, lines 1-67), a minimum duration (a minimum length; col.4, lines 1-41), a maximum duration (a maximum length; col.4, lines 1-41) and a preferred duration (an optimum length; col.4, lines 1-41) for each multimedia object prior to start playback (playback; col.3, lines 40-48) of the multimedia object; and

However, Kim does not explicitly teach “resolving the durations of multimedia objects using the information based on actual multimedia object durations and actual delay arrival time of information of multimedia objects to be played.”

Graf teaches resolving the durations of multimedia objects using the information based on actual multimedia object durations and delay arrival time of information of multimedia objects to be played (providing an additional time delay for the presentation of a multimedia file

in order to account for the delayed arrival of frames at the receiver due to the spreading of the transmission of the frames over time... The time delay can be simply adapted to other features of the underlying network... The relationship between additional time delay and transmission rate can be calculated; col.4, lines 15-53/ the arrival of the information at the receiver is delayed; col.5, lines 49-56).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made combine the teachings of Graf with Kim because it would have provided the enhanced capability for producing the schedule for transmission of the video file that prevents buffer underflow or overflow in the receiver.

The combination of Kim and Graf do not explicitly teach “resolving the durations of multimedia objects using the information based on actual multimedia object durations and actual delay arrival time of information of multimedia objects to be played.”

Zarros teaches resolving the durations of multimedia objects using the information based on actual multimedia object durations and actual delay arrival time of information of multimedia objects to be played (the actual transmission period ...exactly the average delay  $D$  could be found ... the actual arrival time; col.5, lines 19-46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Zarros’s teaching in the system of Kim as modified by Graf because it would have provided the enhanced capability for dealing with packets arriving from other participants.

**As to dependent claim 2**, Kim teaches (col.6, lines 1-67) the step of resolving comprises the steps of:

- calculating minimum and maximum end times for over all multimedia objects (the different between the specified optimal play duration of the episode and the schedule play duration)
- calculating actual end times that are shared by all multimedia objects (get the global minimum and maximum lengths)
- recalculating a preferred duration of each multimedia object (the schedule for the multimedia story is output and the multimedia document is run according to the schedule in output block).

**As to dependent claim 5**, Kim teaches playing the each multimedia object (multimedia objects in a story are viewed... which they play; col.3, lines 55-67).

**As to dependent claim 6** Kim teaches the multimedia object durations are larger than a preferred duration (various times and with differing time durations; col.5, lines 23-41).

**As to dependent claim 7**, Kim teaches the actual multimedia object durations are smaller than a preferred duration (various times and with differing time durations; col.5, lines 23-41).

### ***Allowable Subject Matter***

5. Claims 3 and 4 are allowed.

### ***Response to Arguments***

6. Applicant's arguments filed on 08/21/2003 have been fully considered but they are not persuasive.

The broad claim limitations used in the application continues to read on the references presented in the previous office action.

Applicant argues that *Zarros never, in fact, uses or even remotely comtemplates "the actual delays."* (Remarks, page 4, the second paragraph)

In response, Zarros' teaching (the actual transmission period ...exactly the average delay D could be found ... the actual arrival time; col.5, lines 19-46) meets this limitation.

Applicant argues that *the present invention accommodates actual delays automatically since any actual delays that occur during transmission ...that has been received at the client.* (Remarks, page 4, lines 28-31)

In response, Applicant is arguing the disclosure of the invention, not the claim limitation.

The combination of Kim, Graf, and Zarros meets all limitations as claimed by the Applicant.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Branstad et al.                      U.S Patent No. 5,533,021                      issue dated: Jun. 2, 1996

8. This is a **RCE** of applicant's earlier Application No. 09/200,985. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in

this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Field can be reached on (703) 305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5403 for regular communications and (703) 308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

**Contact Information:**

Any response to this action should be mailed to:



Art Unit: 2176

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Or fax to:

AFTER-FINAL faxes must be signed and sent to (703) 746-7238.


OFFICIAL faxes must be signed and sent to (703) 872-9306.

NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

Maikhanh Nguyen  
October 17, 2003

  
SANJIV SHAH  
PRIMARY EXAMINER